

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED
DEC 17 2024

CLERK'S OFFICE
DETROIT

DERRICK LEE CARDELLO-SMITH, #267009,
Plaintiff,

Vs

Case no 2:24-cv-12647

SEAN COMBS,
Defendant,

Hon. Judith Levy

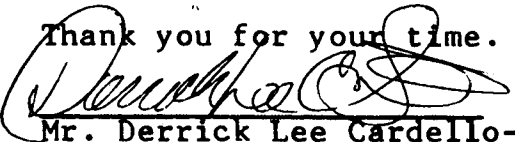
MOTION FOR LEAVE TO FILE A
MOTION FOR EMERGENCY HEARING TO STOP ALL PROCEEDINGS
AND CONDUCT HEARING INTO THE DEFENDANTS ATTORNEYS
FORCING/INSTRUCTING THE LENAWEE COUNTY CLERKS OFFICE TO
DELAY THE TIMELY FILING OF THE PLAINTIFFS EMERGENCY MOTION
TO REINSTATE THE DEFAULT JUDGMENT WHILE THEY WORKED WITH
DAVID FINK TO REMOVE THE CASE TO THE JURISDICTION OF
THE FEDERAL COURT CONTRARY TO PLAINTIFFS DUE PROCESS RIGHTS

Plaintiff Cardello-Smith hereby moves this Court to conduct an emergency hearing to inquire about the Defendants Very Specific interference with the Plaintiffs Due Process Rights where the Defendants Attorney's of Record, David Fink instructed the Lenawee County Clerks Office to 'Delay the Filing of the Plaintiffs Rightfully entitled Reconsideration of the Trial Courts Default Judgement, which has been docketed in this Case and which has been filed in this case so that the Defendants Attorney David Fink--Could remove it to Circuit Court.,

They even admitted that the Plaintiff made service correctly and that this motion was timely received by the Lenawee County Circuit Court on September 23, 2024 and it was returned back to this Plaintiff and is listed within the attached pleadings.

Plaintiff will be requesting a hearing on this matter and asks this Court to Hold an Emergency Hearing on these factors.

Thank you for your time.


Mr. Derrick Lee Cardello-Smith
#267009
E.C. Brooks Correctional Facility
2500 S. Sheridan Drive
Muskegon, MI 49444

12-2-24

INCONSISTENT PAGE NUMBERS

BRIEF IN SUPPORT

Plaintiff hereby states the following factors supporting this hearing for determination of the violation of this plaintiffs constitutional rights by the defendants attorney David Fink.

1. Plaintiff mailed a Timely Emergency Motion for Reconsideration to the Trial Court in accordance with the Plaintiffs Rights of Access to the Court, Michigan Court Rule and the Due Process Rights of this Plaintiff.

2. This Motion was Timely received by the Clerk of the Lenawee County Circuit Court as Stamped Receipt shows.

3. That the Lenawee County Clerks Office Employees MLA and NAM stated that They were 'Instructed to delay the Filing of the Motion so that it would "Give David Fink Time to Remove it to Federal Court." See Attached Offers of Proof.

4. That David Fink Intentionally worked with the Clerks Office to commit this Act of Interference with this Plaintiffs Rights of Access to Court, acting on Behalf of Sean Combs, and E.C. Brooks Correctional facility Staff and Employees.

5. That this act resulted in the Clerks Lying in the Trial Court stating that they did not Receive the Motion until October 7, 2024 when in fact, they Received it on September 27, 2024--See Attached.

6. that this deliberate act violates the plaintiffs due process rights and it requires an answer to this Court and this Plaintiff by Defendants Counsel of Record David Fink.

7. Plaintiff states that he Defendants Actions have violated every tenet, ethic, rule, state and Federal law by committing the acts in the Trial court to get jurisdiction of this matter to the Federal court and it is proven by the record and is in fact a FRAUD UPON THIS COURT and is ILLEGAL AND COMPLETELY WRONG and it should be investigated by this Court at a hearing to be conducted by this Court because it was done at a sacrifice of this Plaintiffs Constitutional Rights.

8. The Clerk of the Court for Lenawee County has committed and participate din acts of fraud by denying this Plaintiffs rights to Have matter timely heard and they even admit it on their Document that was sent to cover the Motion Fee on the Check involved when they received the Money and Motion on September 27, 2024 and then delayed it from being filed until the date of October 7, 2024 as supported by the record, which resulted in its removal to the court at present now shows that it was illegally done.

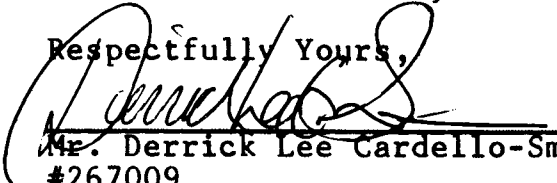
Plaintiff states that there have been multiple crimes committed by teh Defendants Lawyers who have claimed it was the Plaintiff that has committed fraud and in fact, it is the Defendants Lawyers, and the proof is here attached.

Plaintiff now requests a hearing is conducted in this matter or a response is filed by the Defendants.

RELIEF SOUGHT

Wherefore, Plaintiff prays this Court will Grant an Emergency hearing and Stop All proceedings and order responses are filed in this Matter to the evidence submitted by Plaintiff to the Defendants Illegal Activities admitted to by the Lenawee County Clerk and grant any further relief this court deems necessary.

Respectfully Yours,


Mr. Derrick Lee Cardello-Smith
#267009

12-2-24

E.C. Brooks Correctional Facility
2500 S. Sheridan Drive
Muskegon, MI 49444

STATE OF MICHIGAN

REMITTANCE ADVICE

BANK CODE : 500

CATEGORY :

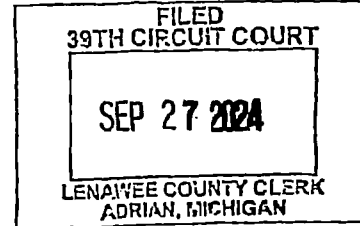
VENDOR : MISC00001

CHECK NO : 510200076

CHECK DATE : 09/23/2024

PAYMENT DOCUMENT

CD	DEPT	ID	INVOICE NUMBER	INV.LINE NO.	INV.DT	DESCRIPTION	AMOUNT
			326540-1			LRF 0267009 Smith	20.00



DETACH HERE

Page TOTAL :

20.00

TOTAL:

20.00

510200076

STATE OF MICHIGAN

472 COM240138728

Dept Doc Ref ID

09/23/2024

TWENTY AND 00/100 DOLLARS

PAY TO THE ORDER OF:

\$****20.00

39TH CIRCUIT COURT-LENAWEE COUNTY
425 N MAIN ST
ADRIAN MI 49221-2103



Security features included.
Details on back.

JPMorgan Chase Bank, N.A.

Rachael Eubanks
Rachael Eubanks, State Treasurer

⑈ 510 2000 76 ⑈ ⑈ 044 11544 3⑈

880316133⑈

STATE OF MICHIGAN

REMITTANCE ADVICE

BANK CODE : 500

CHECK NO: 510200076

CATEGORY :

VENDOR : MISC00001

CHECK DATE : 09/23/2024

PAYMENT DOCUMENT

CD	DEPT	ID	INVOICE NUMBER	INV.LINE NO.	INV.DT	DESCRIPTION	AMOUNT
			326540-1			LRF 0267009 Smith	20.00

~~DETACH HERE~~

Page TOTAL :

20.00

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510200076

STATE OF MICHIGAN

472 COM240138728

Dept Doc Ref ID

TWENTY AND 00/100 DOLLARS

PAY TO THE ORDER OF:

09/23/2024

\$**20.00**

39TH CIRCUIT COURT-LENAWEE COUNTY
425 N MAIN ST
ADRIAN MI 49221-2103



 Security features included
Details on back.

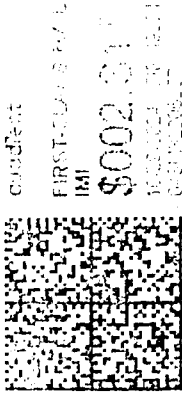
JPMorgan Chase Bank, N.A.

Michael Ombach

Rachael Eubanks, State Treasurer

11 510200076 11 10441154431

8803 16 13311



C605

mla

Lenawee County Clerk
Roxann Holloway
425 North Main Street
Adrian, MI 49221

(Temp - Return Service Requested)

DERRICK LEE CARDELLO-SMITH #267009
E.C. Brooks Correctional Facility
2500 S Sheridan Dr
Muskegon MI 49444

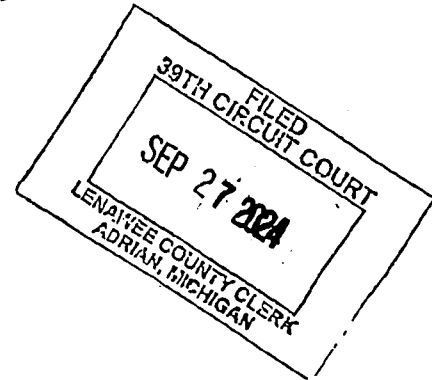
Mr. derrick Lee Cardello-Smith #267009
E.C. Brooks Correctional Facility

c2500 S. Sheridan Drive

Muskegon, MI 49444

September 23, 2024

Office of the Clerk
Roxann Holloway
39th Circuit Court
Lenawee County
425 N. Main Street
Adrian, MI 49221



Re: Derrick Lee Cardello-Smith vs. Sean Combs
Case No 24-7362-ND

Dear Clerk:

Enclosed for filing in the above cause the following documents for placement on the Courts Record and Docket and hearing on 9-30-24 at 10:00 am

1. PLAINTIFFS EMERGENCY MOTION TO REINSTATE THE DEFAULT JUDGMENT BASED ON SERVICE BEING MADE AND SATISFIED UNDER MCR 2.105(B)(1)(b)(4)(a)(b)--Brief in support.
2. \$20.00 Motion Fee
3. REQUEST FOR HEARING AND MOTION
4. NOTICE OF HEARING.
5. PROPOSED ORDER--Prepared by Plaintiff.
6. PROOF OF SERVICE

I ask you to please place this matter on the docket and contact the facility to ensure I am available for the Writ and Zoom Time.

Thank you for your time in this matter.

Respectfully Yours,

Mr. derrick Lee Cardello-Smith

STATE OF MICHIGAN
IN THE 39TH CIRCUIT COURT FOR LENAWEЕ COUNTY

DERRICK LEE CARDELLO-SMITH #267009,
Plaintiff,

Vs

Case No 24-7362-NO

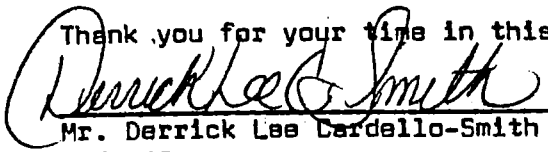
Honorable Anna Marie Anzelone

SEAN COMBS,
Defendant,

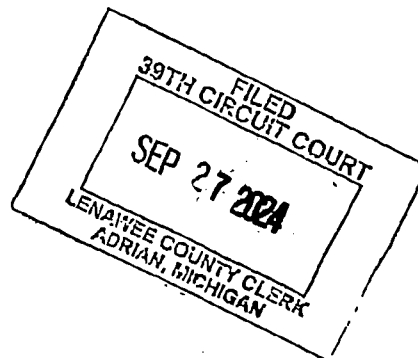
PLAINTIFFS EMERGENCY MOTION TO REINSTATE THE
DEFAULT JUDGMENT ORDER BASED ON SERVICE
BEING MADE AND SATISFIED UNDER
MCR 2.105(B)(1)(b) (4)(a)(b)

Now comes the Plaintiff, Derrick Lee Cardello-Smith in the above cause and hereby files this PLAINTIFFS EMERGENCY MOTION TO REINSTATE THE DEFAULT JUDGMENT ORDER BASED ON SERVICE BEING MADE AND SATISFIED UNDER MCR 2.105(B)(1)(b)(4)(a)(b) and asks this Court to Grant the Reinstatement of the September 9, 2024 Default Judgment Based on the Factors outlined within and as that the Plaintiff has in fact and did in fact satisfy the Michigan Court Rules of Service options available to the Plaintiff and in compliance with Michigan Compiled Law, and for the reasons herein to grant the emergency hearing.

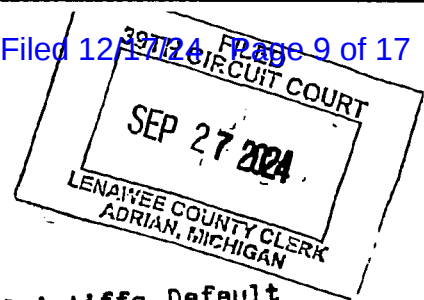
Thank you for your time in this matter.


Mr. Derrick Lee Cardello-Smith
#267009
Plaintiff in Pro Per
E.C. Brooks Correctional Facility
2500 S. Sheridan Drive
Muskegon, MI 49444

9-21-24



BRIEF IN SUPPORT
PLAINTIFFS EMERGENCY MOTION TO REINSTATE THE
DEFAULT JUDGMENT ORDER BASED ON SERVICE
BEING MADE AND SATISFIED UNDER
MCR 2.105(B)(1)(b) (4)(a)(b)



On September 9, 2024 this Court enter an order granting Plaintiffs Default Judgment against the Defendant Sean Combe for His Failure to Timely file a response or answer.

The Defendant, By way of Counsel, the filed an Emergency Motion to Set the Default Judgment Aside by claiming that (1) The Defendant was not served under Restricted Delivery according to MCR 2.105(A)(2).

On September 18, 2024, this Court Granted the Defendants Motion to set the Default Entry and Default Judgment Aside based on the restricted Delivery Argument.

The Court did agree and the defendant did agree that the Plaintiff followed the Certified Mail Rules and Return Receipt Rules in its hearing a decision.

Plaintiff Now seeks to have that Decision Vacated and the Original Judgment Reinstated because of the Fact that the Plaintiff has in fact and did in fact Satisfy MCR 2.105(B)(1)(b)(4)(b) and therefore, has satisfied the Service Requirement that is listed and cited herein below in the arguments for Reinstating the Original Judgment that this Court Did enter and now argues as follows below.

ARGUMENT:

1. MCR 2.105(B)(1)(b) and (4)(a)(b) states the following:
Service of process may be made (1) on a non-resident individual, by (b) Sending a Summons and copy of the Complaint by REGISTERED MAIL addressed to the defendant at his or her last known address;
(4) on an individual doing business under an assumed name by (a) serving a summons and copy of the complaint on the person in charge of an office or business establishment of the individual, and (b) sending a summons and copy of the complaint by REGISTERED MAIL addressed to the individual at his or her usual residence or last known address."

2. Plaintiff submit to this court that the Certified Mail and the Copy of the Summons and Complaint have fully complied with the Provisions identified above and that since the said Court Rules have both been satisfied as the Defendants Counsel David Fink has in fact said that "Certified Mail was made" See record of Testimony by David Fink from the Courts 9-16, 2024 and 9-18-24 hearings and this courts own ruling confirming said Certified mail having been made.

3. The Court has erroneously set it the Default Entry and default Judgment Aside because it was led to believe that the Only Available Means of Service was MCR 2.105(A)(1)(2).. This is not the only way that the Plaintiff was allowed to serve the defendants and it is in fact, this plaintiffs claim and assertion that the Service of Certified Mail has been Satisfied and Fully Complied with by the Plaintiff to the Court and that the Plaintiff was completely entitled to the Default Entry and Default Judgment and it has been incorrectly taken from this Plaintiff by the Defendants Misleading the Court and omitting the entire court rule process.

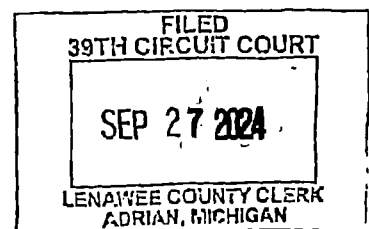
4. Plaintiff states that MCR 2.105(A)(1)(2) says that 'Process MAY be served on a resident or non-resident individual by (1) delivering a summons and copy of the complaint to the defendant personally, or, (2) sending a summons and a copy of the complaint by registered or certified mail, return receipt requested, and delivery restricted to the addressee. Service is made when the defendant acknowledges receipt of the mail. A Copy of the Return Receipt signed by the defendant must be attached to proof of service under Subrule (A)(2)."

5. The Court was under the belief that the Only Method of Service was the one articulated by the Defendants of MCR 2.105(A)(1)(2) and the requirement of Restricted Delivery, and that is only 1 method of the ways of service to be done and the Defendants presented it that way, and in doing so, mislead the Court deliberately omitting the other methods of service available to this Plaintiff for service and that is the certified mail method to his residence that does not require Restricted Delivery and there is clear case law that has been allowed and conducted in the State of Michigan where Certified Mail only on defendant has been and is recognized by the Courts in which cases were allowed to proceed and were settled in the said courts and certified mail only service should be allowed to be what is necessary and sole for the granting of the reinstatement of the judgment by default because Service was made.

6. Plaintiff effected service upon Defendant Combs at a and the person in charge of his office and business establishment of Mr. Combs at his last known address that he has acknowledged in the Courts 9-16-24 and 9-18-24 hearings before this Court. Defendant Combs was and continued to do business there at the time under the Assumed name of "Love" and "Diddy" while conducting his business at the location of his home that was served in L.A. and as that it was done by way of Certified Mail, a Certified Mail claim that the Defendant Have Acknowledged completely shows and supports that the methods of Service have in fact been made as were options allowed to be granted to this Plaintiff and Methods of service allowed under the Rest of MCR 2.105.

7. Plaintiff submits to this Court that the Court was cleverly manipulated by the Defendants Attorney David Fink on September 16, 2024 and September 18, 2024 when it Concealed and Omitted the Other Provisions of MCR 2.105 which allows the Plaintiff to use SUBSTITUTED SERVICE as detailed under MCR 2.105 (8)(1)(b)(4) which allowed this service upon the Defendants by certified mail and as the court is clearly aware, the Plaintiff did in fact use certified mail and admitted to it and did not utilize the Restricted Delivery Option Because it is Not a Requirement, and it is only an option and the Plaintiff exercised the Other Options for Substituted Service which was allowed under the Law, however the Defendants have chosen to not allow this method to be used, and in doing so, manipulated this Court and deceived this Court by this Fraudulent Action and Intentionally Deliberate Omission and failure to notify this Court of this option and it was done to remove the Judgment that this Plaintiff was entitled to, but removed of when the Defendants Lied to this Court and Kept this information from the Court, resulting in a Serious Violation of this Plaintiffs Constitutional Rights requiring correction of it and reinstatement of the Default Entry and Default Judgment entered by this Court in favor of the Plaintiff.

8. The Defendants, intentionally, deliberately, knowingly, cleverly, maliciously lied to this court when it said that the Only manner of service available to the Plaintiff was restricted and in doing so, they interfered

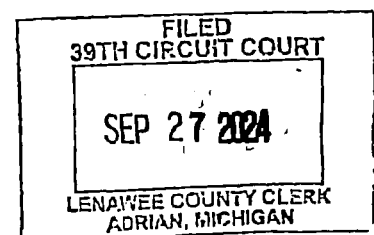


with this courts Lawfully Entered Orders and completely violated this Plaintiffs Constitutional Rights by committing a Deliberate omission of facts and true statements of what the entire Michigan Court Rule is and what it says, thereby prejudicing this Plaintiff who was entitled to the Judgment that this Court entered on September 9, 2024 and was stolen from this Plaintiff by David Fink on September 18, 2024 when the law and court rule was and is on this Plaintiffs side in every facet imaginable rendering this court being duped by the Defendants Counsel of Record....It should not be any Surprise that this kind of action has been taken by the Defendants Attorney David Fink in the past, he has been accused of supporting Attorneys that Lie and Present False Information to courts such as, the Attorneys for Donald Trump when they claims in Court Filings that the 2020 election was stolen and they peddled nonsense on so many areas...Mr. Fink has publicly supported their claims and represented them time to time as well, only to find out that they were in fact lying in Michigan Courts, and that they were in fact disbarred and fined and not allowed to do any more actions, and Mr. Fink was near and at the center of those lies told by the lawyers for Trump in 2020, and it is a matter of record... So it is not surprising that David Fink has left out information regarding this court rule and mannar of service allowed under the laws of the State of Michigan to support their own claims and that is a complete deviation from what Lawyers are required to do and they were required to provide this court all facts and all provisions of the Court Rule and they failed to do so and as such, have broken the laws of the State of Michigan and Michigan Rules of Court and the decision should be reversed and the Judgment reinstated back on the record.

9. Plaintiff submitse to this Court that the Defendants have Violated MCL 449.1105(a)(2) and GCR 1963 195 and GCR 1963, 1061 which this Plaintiff has fully complied with as related to the 2011 Amendment of MCR 2.105 and the Amendments of this Court Rule in its entirety.

CLOSING ARGUMENT, as that the Plaintiff has in fact used the Method Of Service Allowed by MCR 2.105 (B)(1)(b) and (4)(a)(b), that the Default Judgment should be reinstated and that the order that was in place on September 9, 2024 and all of its provisions should be reinstated and placed back on the record, because Plaintiff has in fact satisfied the Requirements of the Appropriate Rules of Court regarding the Certified Mail-Registered Mail and Return Receipt Requested to this Court and it should be granted immediately and this emergency motion should be allowed to be heard immediately and without any delay on the date listed within.

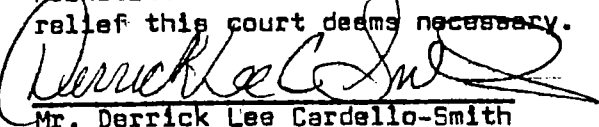
The Defendants have employed clear and deliberate omissions from the court in their emergency motions to set aside the default judgment and dissolving the TRO and in it, leaving out critical facts of MCR 2.105 which allows the Plaintiff to use Substitute Service as that there is no requirement that says it must be RESTRICTED TO ADDRESSEE...it only says "May" and not "Must", the option was and is up to the Plaintiff and Plaintiff chose the respective one that was used and the defendants left that out, and it is what they have used to mislead this court, while attempting to portray this plaintiff as the fraud, when their own actions of omission show that they are the deceivers attempting to mislead the court as they have successfully done...requiring full reversal of this courts Granting of the defendants emergency motion to set aside the default because it was obtained under fraudulent grounds by the Defendants attorney David Fink.



RELIEF REQUESTED

Wherefore, Plaintiff prays this Court will enter an order to GRANT REINSTATEMENT OF THE DEFAULT JUDGMENT based on MCr 2.105(B)(1)(b)(4)(a)(b) satisfying the Rules of Service Process for Default Judgment against the Defendant and All orders originally imposed are to stand with the Reinstatement of Said Order and Motion being Granted, and grant any further relief this court deems necessary.

9-21-24


Mr. Derrick Lee Cardello-Smith

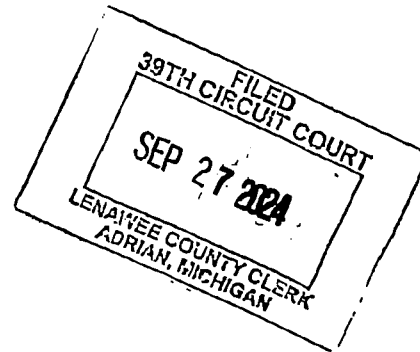
#267009

Plaintiff in pro Per

E.C. Brooks Correctional Facility

2500 S. Sheridan Drive

Muskegon, MI 49444



STATE OF MICHIGAN
39TH JUDICIAL CIRCUIT
JUDICIAL DISTRICT
LENAWEE COUNTY

NOTICE OF HEARING AND MOTION

CASE NO.
24-7362-NO
Hon. Anna Marie Anzalone

Court telephone no.

Address

425 N. Main Street, Adrian, MI 49221

Plaintiff name(s)

Derrick Lee Cardello-Smith #267009
Plaintiff's attorney, bar no., address, and telephone no.

Brooks Correctional Facility
10 S. Sheridan Drive
Jackson, MI 49444

Self-Represented Plaintiff in Pro Per

Defendant name(s)

Seen Combs, a/k/a/ Diddy,

Defendant's attorney, bar no., address, and telephone no.

425 S. Mapleton Drive
Holmby Hills, Los Angeles, California
90077

David Fink-38600 Woodward Avenue
Bloomfield Hills, MI 48304

NOTICE OF HEARING

Motion title: **PLAINTIFFS EMERGENCY MOTION TO REINSTATE THE DEFAULT JUDGMENT BASED ON SERVICE BEING MADE AND SATISFIED UNDER MCR 2.106(B)(1)(b)(4)(a)(b)**

Moving party: **Plaintiff-Derrick Lee Cardello-Smith #267009**

This matter has been placed on the motion calendar for: **DECISION ON MONDAY SEPTEMBER 30, 2024 at 10:00am**

Judge

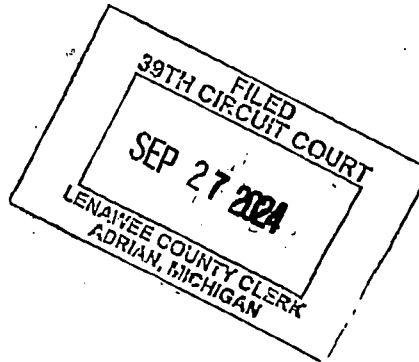
ANNA MARIE ANZALONE

Hearing location

☒ Court address above ☐

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

MOTION



GUILLERMO A. SANTIAGO-DAVIS
NOTARY PUBLIC, STATE OF MI
COUNTY OF EATON
MY COMMISSION EXPIRES Feb 27, 2028
ACTING IN COUNTY OF

9-23-24
9-23-24

Date

Derrick Lee Cardello-Smith
Signature

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this notice of hearing and motion on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined by MCR 2.107(C)(3).

9-23-24
Date

Signature

oved, SCAO

STATE OF MICHIGAN
39TH JUDICIAL CIRCUIT
JUDICIAL DISTRICT
LENAWEE COUNTY

ORDER

CASE NO.
2024-7362-NO
Hon. Anna Marie Anzalone

Court telephone no.

Address 425 N. Main Street, Adrian, MI 49221

Plaintiff name(s)
Derrick Lee Cardello-Smith, #267009,
Plaintiff's attorney, bar no., address, and telephone no.
J.C. Brooks Correctional Facility
500 S. Sheridan Drive
Muskegon, MI 49444
Pro Per Plaintiff

v

Defendant name(s)
Sean Combs, a/k/a/ P. Diddy,
Defendant's attorney, bar no., address, and telephone no.
200 S. Mapleton Drive
Holmby Hills, Los Angeles, California
David H. Fink (P28235)
38500 Woodward Avenue-Bloomfield Hills, MI 48304PLAINTIFFS EMERGENCY MOTION TO REINSTATE THE DEFAULT JUDGMENT
ORDER BASED ON SERVICE BEING MADE AND SATISFIED UNDER MCR 2.105(B)(1)
(b)(4)(a)(b).1. Motion title: ~~XXXXXXXXXX~~

2. Moving party: PLAINTIFF DERRICK LEE CARDELLO-SMITH

3. This matter has been placed on the motion calendar for: DECISION AND HEARING

Judge ANNA MARIE ANZALONE

Bar no.

Date

9-30-24

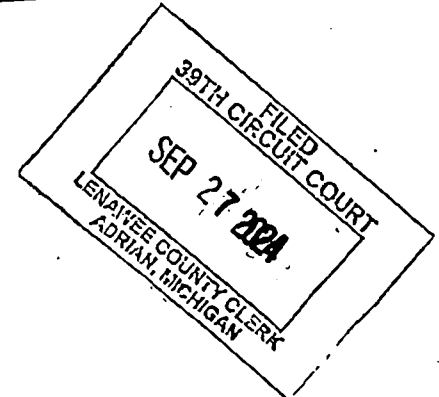
Time

10:00am

Hearing location

☒ Court address above ☐

IT IS ORDERED: The above named motion is

☐ granted.☐ granted in part, denied in part.☐ denied.

Judge

Date

Crt: C 39 46 Jur: ANZALONE Ref: Caseload Dsp: TR JDF CLOSE Pub
Case: 2024 0000247362 NO CARDELLO-SMITH V COMBS

and place his arguments on the record. Pltf. in Pro Per, responded to the Motions. Deft. Atty. D. Fink place final arguments on record. The Court placed findings on record and GRANTED Mtn. to Set Aside Default and Default Judgment; GRANTED Mtn. to Dissolve TRO and/or Preliminary Injunction. Atty. D. Fink to prepare/file Order complying with the Court's ruling. The Court scheduled Pre-Trial and Mtn. for Summary Disposition, if filed, on 11-4-2024 at 2:30 p.m. (2 Hrs).
J. Spade, CER-5709

35 09/18/2024 NAM
TRANSCRIPT
ON EMERGENCY MOTION TO SET ASIDE DEFAULT JUDGMENT AND MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION HELD ON SEPTEMBER 16, 2024

36 09/18/2024 NAM
TRANSCRIPT
ON MOTION FOR DEFAULT JUDGMENT HELD AUGUST 7, 2024

40 09/18/2024 NAM
NOTICE TO APPEAR
AND CERTIFICATE OF MAILING

41 09/18/2024 NAM
ORDER
GRANTING DEFT'S EMERGENCY MOTION TO SET ASIDE DEFAULT & DEFAULT JUDGMENT, DEFT'S MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION, AND DEFT'S EMERGENCY MOTION TO FILE SUPPLEMENTAL BRIEF IN SUPPORT OF THE EMERGENCY MOTION TO SET ASIDE DEFAULT AND DEFAULT JUDGMENT AND DEFT'S MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION, AND SETTING PRE-TRIAL CONFERENCE AND HEARING DATE

42 09/18/2024 NAM
REQUEST AND NOT FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PRO DAVID PANIAN

56 09/18/2024 D 001 PE
CASE REOPENED

57 09/18/2024 D 001 PE
REMOVE DISPOSITION

43 09/19/2024 NAM
PROOF OF SERVICE

44 09/19/2024 NAM
PROOF OF SERVICE

45 09/23/2024 NAM
PROOF OF SERVICE

46 09/23/2024 NAM
PROOF OF SERVICE

47 09/24/2024 NAM
PROOF OF SERVICE

48 09/25/2024 NAM
TRANSCRIPT
OF CONTINUATION OF EMERGENCY MOTION TO SET ASIDE DEFAULT JUDGMENT & MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION HELD ON SEPTEMBER 18, 2024

51 10/03/2024 P 001 MLA
MISCELLANEOUS
NTC OF SUBMISSION OF WITNESS STATEMENT, AFF & POS

54 10/07/2024 P 001 MLA

Crt: C 39 46 Jur: ANZALONE Ref: Caseload Dsp: TR JDF CLOSE Pub
Case: 2024 0000247362 NO CARDELLO-SMITH V COMBS

MOTION FILED
AMOUNT: \$20.00
MTN TO STRIKE DEFTS VISITOR LOG EXHIBIT, NTC OF HEARING & POS
MTN TO GRANT RECONSIDERATION OF THE COURTS ORD TO SET ASIDGE DEFAULT
JUDGMENT BEING MADE & SATISFIED UNDER MCR 2.105, NTC OF SUBMISSION
OF ADDITIONAL CASE LAW SUPPORTING THE PLTFs CLAIM OF REINSTATEMENT,
NTC OF HEARING & POS
EMERGENCY MTN TO REINSTATE THE DEFAULT JUDGMENT BASED ON SERVICE BEING
MADE & SATISFIED UNDER MCR 2.105, NTC OF HEARING & POS
MTN TO ADMIT WITNESS AFF OF AARON ROGERS, NTC OF HEARING & POS
(PLTF PICKED RANDOM DATE AND TIME FOR HEARING)

55 10/07/2024 P 001 MLA

MOTION FILED
AMOUNT: \$20.00
MTN TO GRANT RECONSIDERATION OF DEFAULT JUDGMENT, NTC OF HEARING
& POS (RANDOM HEARING DATE & TIME PICKED BY PLTF)

58 10/08/2024 D 001 MLA

NOTICE
DISP: TRANSFER
NTC OF REMOVAL OF ACTION & POS

60 10/08/2024 MLA

CLOSE CASE

59 10/09/2024 P 001 MLA

NOTICE
OF SUBMISSION OF PLTFs 1997 SEXUAL ASSAULT RAPE KIT EVIDENCE
IDENTIFYING THE DEFT AS THE CONTRIBUTOR OF SEMEN FROM PLTFs BODY &
PERSON & TESTED BY KYM WORTHY WAYNE COUNTY PROSECUTORS IN APRIL 2024
& POS X2

61 10/14/2024 MLA

MISCELLANEOUS ACTION BY CLERK
RETURNED FEE WAIVER & MTN FOR RECONSIDERATION DOCUMENTS TO PLTF
AS THIS COURT NO LONGER HAS JURISDICTION FOLLOWING REMOVAL TO
FEDERAL COURT

62 10/15/2024 NAM

PROOF OF SERVICE
AMENDED PROOF

64 10/24/2024 MLA

MISCELLANEOUS ACTION BY CLERK
RETURNED PLTFs EMERGENCY MTN & CHECK FOR 2 REASONS, FIRST IT WAS
PREVIOUSLY PROVIDED & SECOND THIS COURT NO LONGER HAS JURISDICTION
FOLLOWING REMOVAL TO FEDERAL COURT
ALSO RETURNED PLEADING FROM PLTF TITLED "DEFT & PLTFs ACCEPTANCE OF
PLTFs OFFER TO SETTLE THE PERSONAL INJURY CLAIMS RAISED IN THE ORIG
LAWSUIT IN THE 39TH CIRCUIT COURT FOR LENAWEE COUNTY" AS THIS COURT
NO LONGER HAS JURISDICTION TO ACCEPT PLEADINGS

65 10/28/2024 MLA

REQUEST
FOR COPY OF ROA
MAILED TO PLTF 10/29/2024

**** END OF SUMMARY ****

*** END OF REPORT ***



Mr. Derrick Lee Cardello-Smith
#267009
E.C. Brooks Correctional Facility
2500 S. Sheridan Drive
Muskegon, MI 49444

Mailed on 12-2-24

Case No 2:24-cv-12647

Office of the Clerk
United States District Court-Eastern District
Theodore Levin US Courthouse-Room 564
231 W. Lafayette Boulevard
Detroit, MI 48226